

SB3795



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3795

Introduced 2/11/2010, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-107.1

625 ILCS 5/6-110

from Ch. 95 1/2, par. 6-110

Amends the Illinois Vehicle Code. Provides that an instruction permit or driver's license issued under issued to a person under the age of 18 years shall, as a matter of law, be invalid for the operation of any motor vehicle from 10:30 p.m. (rather than 11:00 p.m.) until 6:00 a.m. on Friday and Saturday of each week.

LRB096 20867 AJT 36641 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-107.1 and 6-110 as follows:

6 (625 ILCS 5/6-107.1)

7 Sec. 6-107.1. Instruction permit for a minor.

8 (a) The Secretary of State, upon receiving proper
9 application and payment of the required fee, may issue an
10 instruction permit to any person under the age of 18 years who
11 is not ineligible for a license under paragraphs 1, 3, 4, 5, 7,
12 or 8 of Section 6-103, after the applicant has successfully
13 passed such examination as the Secretary of State in his
14 discretion may prescribe.

15 (1) An instruction permit issued under this Section
16 shall be valid for a period of 24 months after the date of
17 its issuance and shall be restricted, by the Secretary of
18 State, to the operation of a motor vehicle by the minor
19 only when accompanied by the adult instructor of a driver
20 education program during enrollment in the program or when
21 practicing with a parent, legal guardian, family member, or
22 a person in loco parentis who is 21 years of age or more,
23 has a license classification to operate such vehicle and at

1 least one year of driving experience, and who is occupying
2 a seat beside the driver.

3 (2) A 24 month instruction permit for a motor driven
4 cycle may be issued to a person 16 or 17 years of age and
5 entitles the holder to drive upon the highways during
6 daylight under direct supervision of a licensed motor
7 driven cycle operator or motorcycle operator 21 years of
8 age or older who has a license classification to operate
9 such motor driven cycle or motorcycle and at least one year
10 of driving experience.

11 (3) A 24 month instruction permit for a motorcycle
12 other than a motor driven cycle may be issued to a person
13 16 or 17 years of age in accordance with the provisions of
14 paragraph 2 of Section 6-103 and entitles a holder to drive
15 upon the highways during daylight under the direct
16 supervision of a licensed motorcycle operator 21 years of
17 age or older who has at least one year of driving
18 experience.

19 (b) An instruction permit issued under this Section when
20 issued to a person under the age of 18 years shall, as a matter
21 of law, be invalid for the operation of any motor vehicle
22 during the following times:

23 (1) Between 10:30 ~~11:00~~ p.m. Friday and 6:00 a.m.
24 Saturday;

25 (2) Between 10:30 ~~11:00~~ p.m. Saturday and 6:00 a.m. on
26 Sunday; and

1 (3) Between 10:00 p.m. on Sunday to Thursday,
2 inclusive, and 6:00 a.m. on the following day.

3 The instruction permit of a person under the age of 18
4 shall not be invalid as described in paragraph (b) of this
5 Section if the instruction permit holder under the age of 18
6 was:

7 (1) accompanied by the minor's parent or guardian or
8 other person in custody or control of the minor;

9 (2) on an errand at the direction of the minor's parent
10 or guardian, without any detour or stop;

11 (3) in a motor vehicle involved in interstate travel;

12 (4) going to or returning home from an employment
13 activity, without any detour or stop;

14 (5) involved in an emergency;

15 (6) going to or returning home from, without any detour
16 or stop, an official school, religious, or other
17 recreational activity supervised by adults and sponsored
18 by a government or governmental agency, a civic
19 organization, or another similar entity that takes
20 responsibility for the licensee, without any detour or
21 stop;

22 (7) exercising First Amendment rights protected by the
23 United States Constitution, such as the free exercise of
24 religion, freedom of speech, and the right of assembly; or

25 (8) married or had been married or is an emancipated
26 minor under the Emancipation of Minors Act.

1 (b-1) No instruction permit shall be issued to any
2 applicant who is under the age of 18 years and who has been
3 certified to be a chronic or habitual truant, as defined in
4 Section 26-2a of the School Code.

5 An applicant under the age of 18 years who provides proof
6 that he or she has resumed regular school attendance or that
7 his or her application was denied in error shall be eligible to
8 receive an instruction permit if other requirements are met.
9 The Secretary shall adopt rules for implementing this
10 subsection (b-1).

11 (c) Any person under the age of 16 years who possesses an
12 instruction permit and whose driving privileges have been
13 suspended or revoked under the provisions of this Code shall
14 not be granted a Family Financial Responsibility Driving Permit
15 or a Restricted Driving Permit.

16 (Source: P.A. 94-916, eff. 7-1-07; 95-310, eff. 1-1-08.)

17 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

18 Sec. 6-110. Licenses issued to drivers.

19 (a) The Secretary of State shall issue to every qualifying
20 applicant a driver's license as applied for, which license
21 shall bear a distinguishing number assigned to the licensee,
22 the legal name, signature, zip code, date of birth, residence
23 address, and a brief description of the licensee.

24 Licenses issued shall also indicate the classification and
25 the restrictions under Section 6-104 of this Code.

1 In lieu of the social security number, the Secretary may in
2 his discretion substitute a federal tax number or other
3 distinctive number.

4 A driver's license issued may, in the discretion of the
5 Secretary, include a suitable photograph of a type prescribed
6 by the Secretary.

7 (a-1) If the licensee is less than 18 years of age, unless
8 one of the exceptions in subsection (a-2) apply, the license
9 shall, as a matter of law, be invalid for the operation of any
10 motor vehicle during the following times:

11 (A) Between 10:30 ~~11:00~~ p.m. Friday and 6:00 a.m.
12 Saturday;

13 (B) Between 10:30 ~~11:00~~ p.m. Saturday and 6:00 a.m. on
14 Sunday; and

15 (C) Between 10:00 p.m. on Sunday to Thursday,
16 inclusive, and 6:00 a.m. on the following day.

17 (a-2) The driver's license of a person under the age of 18
18 shall not be invalid as described in subsection (a-1) of this
19 Section if the licensee under the age of 18 was:

20 (1) accompanied by the licensee's parent or guardian or
21 other person in custody or control of the minor;

22 (2) on an errand at the direction of the minor's parent
23 or guardian, without any detour or stop;

24 (3) in a motor vehicle involved in interstate travel;

25 (4) going to or returning home from an employment
26 activity, without any detour or stop;

1 (5) involved in an emergency;

2 (6) going to or returning home from, without any detour
3 or stop, an official school, religious, or other
4 recreational activity supervised by adults and sponsored
5 by a government or governmental agency, a civic
6 organization, or another similar entity that takes
7 responsibility for the licensee, without any detour or
8 stop;

9 (7) exercising First Amendment rights protected by the
10 United States Constitution, such as the free exercise of
11 religion, freedom of speech, and the right of assembly; or

12 (8) married or had been married or is an emancipated
13 minor under the Emancipation of Minors Act.

14 (a-2.5) The driver's license of a person who is 17 years of
15 age and has been licensed for at least 12 months is not invalid
16 as described in subsection (a-1) of this Section while the
17 licensee is participating as an assigned driver in a Safe Rides
18 program that meets the following criteria:

19 (1) the program is sponsored by the Boy Scouts of
20 America or another national public service organization;
21 and

22 (2) the sponsoring organization carries liability
23 insurance covering the program.

24 (a-3) If a graduated driver's license holder over the age
25 of 18 committed an offense against traffic regulations
26 governing the movement of vehicles or any violation of Section

1 6-107 or Section 12-603.1 of this Code in the 6 months prior to
2 the graduated driver's license holder's 18th birthday, and was
3 subsequently convicted of the offense, the provisions of
4 subsection (a-1) shall continue to apply until such time as a
5 period of 6 consecutive months has elapsed without an
6 additional violation and subsequent conviction of an offense
7 against traffic regulations governing the movement of vehicles
8 or Section 6-107 or Section 12-603.1 of this Code.

9 (b) Until the Secretary of State establishes a First Person
10 Consent organ and tissue donor registry under Section 6-117 of
11 this Code, the Secretary of State shall provide a format on the
12 reverse of each driver's license issued which the licensee may
13 use to execute a document of gift conforming to the provisions
14 of the Illinois Anatomical Gift Act. The format shall allow the
15 licensee to indicate the gift intended, whether specific
16 organs, any organ, or the entire body, and shall accommodate
17 the signatures of the donor and 2 witnesses. The Secretary
18 shall also inform each applicant or licensee of this format,
19 describe the procedure for its execution, and may offer the
20 necessary witnesses; provided that in so doing, the Secretary
21 shall advise the applicant or licensee that he or she is under
22 no compulsion to execute a document of gift. A brochure
23 explaining this method of executing an anatomical gift document
24 shall be given to each applicant or licensee. The brochure
25 shall advise the applicant or licensee that he or she is under
26 no compulsion to execute a document of gift, and that he or she

1 may wish to consult with family, friends or clergy before doing
2 so. The Secretary of State may undertake additional efforts,
3 including education and awareness activities, to promote organ
4 and tissue donation.

5 (c) The Secretary of State shall designate on each driver's
6 license issued a space where the licensee may place a sticker
7 or decal of the uniform size as the Secretary may specify,
8 which sticker or decal may indicate in appropriate language
9 that the owner of the license carries an Emergency Medical
10 Information Card.

11 The sticker may be provided by any person, hospital,
12 school, medical group, or association interested in assisting
13 in implementing the Emergency Medical Information Card, but
14 shall meet the specifications as the Secretary may by rule or
15 regulation require.

16 (d) The Secretary of State shall designate on each driver's
17 license issued a space where the licensee may indicate his
18 blood type and RH factor.

19 (e) The Secretary of State shall provide that each original
20 or renewal driver's license issued to a licensee under 21 years
21 of age shall be of a distinct nature from those driver's
22 licenses issued to individuals 21 years of age and older. The
23 color designated for driver's licenses for licensees under 21
24 years of age shall be at the discretion of the Secretary of
25 State.

26 (e-1) The Secretary shall provide that each driver's

1 license issued to a person under the age of 21 displays the
2 date upon which the person becomes 18 years of age and the date
3 upon which the person becomes 21 years of age.

4 (f) The Secretary of State shall inform all Illinois
5 licensed commercial motor vehicle operators of the
6 requirements of the Uniform Commercial Driver License Act,
7 Article V of this Chapter, and shall make provisions to insure
8 that all drivers, seeking to obtain a commercial driver's
9 license, be afforded an opportunity prior to April 1, 1992, to
10 obtain the license. The Secretary is authorized to extend
11 driver's license expiration dates, and assign specific times,
12 dates and locations where these commercial driver's tests shall
13 be conducted. Any applicant, regardless of the current
14 expiration date of the applicant's driver's license, may be
15 subject to any assignment by the Secretary. Failure to comply
16 with the Secretary's assignment may result in the applicant's
17 forfeiture of an opportunity to receive a commercial driver's
18 license prior to April 1, 1992.

19 (g) The Secretary of State shall designate on a driver's
20 license issued, a space where the licensee may indicate that he
21 or she has drafted a living will in accordance with the
22 Illinois Living Will Act or a durable power of attorney for
23 health care in accordance with the Illinois Power of Attorney
24 Act.

25 (g-1) The Secretary of State, in his or her discretion, may
26 designate on each driver's license issued a space where the

1 licensee may place a sticker or decal, issued by the Secretary
2 of State, of uniform size as the Secretary may specify, that
3 shall indicate in appropriate language that the owner of the
4 license has renewed his or her driver's license.

5 (h) A person who acts in good faith in accordance with the
6 terms of this Section is not liable for damages in any civil
7 action or subject to prosecution in any criminal proceeding for
8 his or her act.

9 (Source: P.A. 95-310, eff. 1-1-08; 95-747, eff. 7-22-08;
10 96-607, eff. 8-24-09.)